

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46797 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- NAUTAN District- West Champaran

Jawahir Thakur Son of Late Ramdeo Thakur Resident of Village - Dakshin
Teliya, P.s.- Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49939 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- NAUTAN District- West Champaran

Satendra Yadav S/o Late Narsingh Yadav Resident of Village- Gahiti, P.S.-
Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52572 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- NAUTAN District- West Champaran

Sanjay Yadav Son Of Ganesh Yadav R/O Village- Uttari Telhua, P.S.- Nautan,
District- W. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46797 of 2022)

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Arun Kumar

(In CRIMINAL MISCELLANEOUS No. 49939 of 2022)

For the Petitioner/s : Ms. Aprajita

For the Opposite Party/s : Mr. Mohammed Arif

(In CRIMINAL MISCELLANEOUS No. 52572 of 2022)

For the Petitioner/s : Ms. Aprajita

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

3 09-11-2022 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Nautan P.S. Case No. 415 of 2021, registered for the offences punishable under Sections 30(a), 37(B), 33, 34 of the Bihar Prohibition and Excise Act, 2016 and Sections 272, 273, 328, 304 and 120(B) of the Indian Penal Code.

As per allegation, petitioners were arrested for selling illicit liquor due to which Bachcha Yadav and Maharaj Yadav died after drinking spurious liquor and some people got ill after drinking illicit liquor.

The Ld. Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He also submits that the petitioners are arrested only on account of political rivalry and nothing has been recovered from their conscious possession of the petitioners.

The petitioners, namely, Jawahir Thakur, Satendra Yadav and Sanjay Yadav have been languishing in jail since 05.05.2022, 28.06.2022 and 27.06.2022 respectively.

It is also stated in paragraph no. 2 of the petition



that petitioner, namely, Jawahir Thakur has earlier moved to this Court for grant of anticipatory bail *vide* order dated 08.07.2022 passed in Cr. Misc. No. 7787 of 2022 whereas petitioners, namely, Satendra Yadav and Sanjay Yadav have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 415 of 2021, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.



The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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